T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:		30-Mar-06	APPL. S. N:	10681430					
To Exam	iner:	LE, DANH	Art Unit	2617					
From		Jefferson, Henry PARALEGAL SPCECIALIS	Return This Memo To: Case T Drop-Off Location	JEF-2D68					
SUBJEC	T: Decision	on on Terminal Disclaimer(T.D.) filed:							
form par or have	agraphs i any quest	have reviewed the submitted T.D. with dentified by this informal memo in your ions, please see me or the Special Prog (1) MAILED TO APPLICANT OR (2) PLAC	next Office action to notify applicant o ram Examiner. THIS IS AN INFORMAL,	f the T.D. If you disagree INTERNAL MEMO ONLY.					
please ir	nitial, date	e and return this memo to me. THANK Y	OU.	•					
V	The T.D.	T.D. is PROPER and has been recorded (see 14.23).							
	The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):								
		The TD fee of has not been suse of a deposit account	ubmitted nor is there any authorization	in the application file for the					
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).							
		The T.D. lacks the enforceable only du double patenting rejection, Rule 321(b	ring common ownership clause – neede	ed to overcome a non-statutory					
			m(s), which is not acceptable since "the t to be granted" (MPEP 1490) (see 14.2						
		The person who signed the T.D.:							
		is not an attorney "of record"	(see 14.29 and 14.29.01).						
		has failed to state his/her ca	pacity to sign for the business entity (se	ee 14.28).					
		is not recognized as an office	r of the assignee (see 14.29 & possible	14.29.02).					
		nor is the reel and frame number spec (see 37 CFR 3.73(b) and 1140 O.G. 72	f title from the original inventor(s) to a ified as to where such evidence is reco 2). NOTE: This documentary evidence o D. or in a separate paper of record in th	rded in the Office r the specifying of the reel and					
		The T.D. is not signed (see 14.26 & 14.26.03).							
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).							
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).							
		The period disclaimed is incorrect or n	ot specified (see 14.26, 14.27.02 or 14	.26.03).					
		Other:		i=					
		Suggestion to request refund (see 14. and do not check this item.	36). NOTE: If already authorized, credit	t refund to deposit account					
I have a	ppropriate	ely notified applicant(s) of the status of	the Terminal Disclaimer filed in this cas	se.					
Ex.Initia	ls:	Date:		Log Date:					

Application Number	10/681,430	, 1	Applicant(s)/Patent (Reexamination KUBO ET AL.	under				
Document Code - DISQ	Internal Doc		ocument – DC	cument – DO NOT MAIL				
TERMINAL DISCLAIMER	△ APPROVED		☐ DISAPP	☐ DISAPPROVED				
Date Filed : November 4 2005	This patent is subject to a Terminal Disclaimer							
Approved/Disapproved by:								
Henry D. Jefferson								

U.S. Patent and Trademark Office



PTO/SB/26 (09-04)
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TERMIN	AL DISCLAIMER TO OBVIATE A DOUBLE PATENTING	Docket Number (Optional)					
	REJECTION OVER A "PRIOR" PATENT	33023US1					
In re Application of:	Tetsuya Kubo						
Application No.:	10/681,430						
Filed:	October 8, 2003						
For: PORTABLE	For: PORTABLE TELEPHONE APPARATUS AND CONTROL METHOD THEREOF						
The owner, Matsushita Electric Industrial Co., Ltd. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,728,558 81 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.							
In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.							
Check either box 1 o	r 2 below, if appropriate.						
For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.							
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.							
2. The unders	igned is an attender or agent of record. Rep. No. 48.540						
	J. Signature	November 2, 2005					
+	Robert F. Bodi						
	Typed or printed name						
		(216) 579-1700					
	•	Telephone Number					
✓ Terminal of	lisclaimer fee under 37 CFR 1.20(d) included.						
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.							
*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.							

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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